

24 MAR 06

FROM: STAFF JUDGE ADVOCATE, MULTI-NATIONAL FORCE-WEST
TO: STAFF JUDGE ADVOCATE, MULTI-NATIONAL CORPS-IRAQ

SUBJ: SUSPECTED LAW OF ARMED CONFLICT VIOLATION REPORT

REF: (a) MNF-I FRAGO 242

1. DESCRIPTION OF INCIDENT/SUSPECTED VIOLATION:

(b)(6) came to the Fallujah Liaison Team (FLT) Claims Office and reported that Coalition Forces (CF) came to the farm of his brother, (b)(6) and killed his brother by cutting his throat.

(b)(6) alleges that an unknown number of CF arrived in tactical vehicles at the farm of his brother, (b)(6). CF allegedly flexi-cuffed his nephew, (b)(6), outside in the yard and brought his brother, (b)(6), inside the home. Screams and praying in Arabic were allegedly heard from the home by the nephew who remained cuffed outside. After approximately 30 to 60 minutes CF exited the home, uncuffed the nephew and departed the area. The nephew then entered the home and found (b)(6) dead on the floor of the family room with his throat cut and an extension cord wrapped around his legs. A photo was provided of a deceased individual with a large, open wound on his throat.

(b)(6) also presented to the FLT claims officer a claims card allegedly written on 10 February 2005 by the RCT-8 Judge Advocate. Initial queries revealed that representatives from RCT-8 and Naval Criminal Investigative Service (NCIS) were in the area of the farm conducting an unrelated investigation on 10 February 2006. They were allegedly approached by an unknown family member who advised them that he or she believed (b)(6) had been killed by CF when he was caught in the crossfire of a firefight between CF and Anti-Iraqi Forces (AIF). The claims card was supposedly issued to pay that claim. (b)(6), however, advises that he knows nothing of the alleged CF/AIF firefight.

2. LOCATION (GRID COORDINATES OR OTHER REFERENCE):

(b)(6), Zaidon, Al Anbar Province, Iraq

3. TIME OF OCCURRENCE AND TIME OF DISCOVERY:

Alleged incident occurred at approximately 1700 on or about the 28th through the 30th of October, 2005. The CF/AIF firefight incident was allegedly reported to representatives from NCIS and RCT-8 on 10 February 2006. The allegation of the unlawful killing of a non-combatant was reported on 16 March 2006. This report was compiled from an interview of (b)(6) conducted on 23 March 2006 at the FLT Claims Office by a representative of the MNF-W Staff Judge Advocate's Office.

ENCLOSURE (A)

BS

4. WHO CAUSED (IF KNOWN) OR IDENTITY OF FRIENDLY AND ENEMY UNITS OPERATING IN THE IMMEDIATE AREA (IF KNOWN):

Unknown at this time, possibly unit(s) from RCT-8.

5. NAME OF WITNESSES (W/UNIT OR ADDRESS):

(b)(6), cell phone number (b)(2). (b)(6), contact information unknown.

6. REPORTING UNIT POINT OF CONTACT:

I MEF (FWD) OSJA, Maj (b)(3), (b)(6), Operational Law Attorney, DSN (b)(2)

7. EVIDENCE GATHERED AND ITS DISPOSITION:

One photo alleged to be of the deceased. A copy of a claims card issued by the RCT-8 Judge Advocate. All items are currently in the possession of the MNF-W Staff Judge Advocate and will be turned over to NCIS.

8. WEAPONS/EQUIPMENT INVOLVED:

Allegedly a knife.

9. DESCRIPTION OF DAMAGE OR INJURIES TO GOVERNMENT/CIVILIAN PROPERTY AND PERSONNEL:

One deceased Iraqi male.

10. CURRENT LOCATION OF SUSPECTS AND VICTIMS (JAIL, HOSPITAL, AT SCENE, ETC.)

Location of suspects is unknown. Victim is allegedly buried in a local cemetery. (b)(6) had no first hand knowledge of the incident but remains in the local area and left a contact number. Other possible witnesses, to include the nephew, (b)(6) (b)(6), remain in the local area.

11. HOW IS THE SITE BEING SECURED?

N/A

12. INVESTIGATING OFFICER. STATUS OF INVESTIGATION:

The allegation will be referred to NCIS for further investigation.

2/10/07

From: MAJON

(b)(3), (b)(6)

TO: CLAIMS JAG.

7180 / 71267

CLAIMS FOR DEATH

IN ZARON

(b)(6)

Key claims /

DEATH CERP.

~~SSB~~

(b)(3), (b)(6)

MAJON

(b)(3), (b)(6)

ENCLOSURE (3)

B10

23 Mar 06

MEMORANDUM

From: LCDR (b)(3), (b)(6), JAGC, USN
To: Files

Subj: MEETING WITH (b)(6) ON 23 MAR 06 ICO DEATH OF
(b)(6)

The incident occurred about 3 days before Ramadan
28 through 30 Oct 05, not sure, at approximately 1600-1700
Outside Zaidon area
Farm called (b)(6)
Americans (CF) came to the farm
Marines or Army
Came in green Hummers
The victim (his brother, (b)(6)) has 6 kids
The whole family was outside
CF cuffed his nephew (sister's son) in the backyard
(b)(6) (35-40 yrs)
Left kids outside
Brought brother in the house
CF spent 30 min/1 hour in house
Nephew heard screams from house
Then praying
No shooting
CF came out and cut the nephew loose
CF left in Hummers
Family went back inside home and saw victim in the family room
His throat was cut and he was dead
An extension cord was tied around his legs
The body was not cuffed

He does not know anything about an AIF shootout with CF

Maj (b)(3), (b)(6) claims card
Marines came to the family approximately two months after
the incident
He was not there
The Marines gave a claims card to 10 year old son of the
deceased
10 year old son told the Marines what happened
They gave him the card based on that

ENCLOSURE (C)

B11

Subj: MEETING WITH (b)(6) ON 23 MAR 06 ICO DEATH OF

(b)(6)

Body

He saw the body for the first time at the mosque
His nephew (b)(6) brought the body there
They buried him in a local cemetery, before sundown
No doctor/police were involved
No death certificate was issued
The body had no gunshot wounds

Report

He did not report this to anyone else

Time delay in reporting

Local people/his family wanted him to come
He is the representative of the family now

Contact

Cell phone (b)(2)

His brother was not AIF, CF had no reason to kill him, why did they do it?

He is not here for money

Capt (b)(3), (b)(6) paid him \$2500 per Maj (b)(3), (b)(6) claims card
Need NCIS follow up with claimant and nephew.

/s/

(b)(3), (b)(6)

B12

18 March 2006

MEMORANDUM FOR THE RECORD

Subj: Suspected LOAC in the case of the brother of (b)(6)

On Thursday, 16 March 2006, at approximately 1330, an Iraqi gentlemen, (b)(6) entered the claims room at the Fallujah Liason Team (FLT) and presented a note dated "2/10/07" in red ink from Major (b)(3), (b)(6) the RCT-8 SJA, who has since redeployed. I had worked with Major (b)(3), (b)(6) for two years in Quantico, from 2001-2003, and am familiar with his handwriting. The note was definitely legitimate and it stated, in summary, "pay this gentlemen a \$2500 death payment". No further information was given on the note.

The gentlemen then explained that Marines had killed his brother and slit his throat. Through our interpreter he continued that "even when [his brother] was already dead, Marines had slit his throat." (b)(6) was very emotional. He looked visibly shaken and was gesticulating with his hands and patting his heart and pleading with us to not dismiss the matter.

Capt (b)(3), (b)(6) handled the claim. He explained to (b)(6) that he understood that the note was genuine and that he would definitely be paid, but that he wanted to investigate what happened at the scene. (b)(6) then stood up and pleaded with Capt (b)(3), (b)(6) through the interpreter he said "my life is in your hands", or words to that effect. And then went on to say that we – he was now looking at both Capt (b)(3), (b)(6) and myself – must make sure that the Marines involved are punished for their actions.

Capt (b)(3), (b)(6) then provided (b)(6) a note that explained to the Marines at the FLT that when (b)(6) came back to the FLT, on the 23rd of March, he was to be seen right away – "front of the line privileges", in our vernacular.

That is my best recollection of what happened that day.

/s/ (b)(3), (b)(6)
Capt., USMC

ENCLOSURE (D)

B13

(b)(6)

**UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE
MIDDLE EAST FIELD OFFICE
CAMP FALLUJAH, IRAQ**

TITLE I/II MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF IRAQI MALE	CCN 13MAY06-MEBJ-0359-7HMA	AGENT'S NAME UNKNOWN
SUMMARY Photograph of a deceased Iraqi male provided to LCDR (b)(3), (b)(6), USN, SJA, by (b)(6) who claimed the individual depicted in the photograph to be his deceased brother (b)(6).		DATE PHOTO TAKEN UNKNOWN

EXHIBIT (2)

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